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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,027	02/23/2004	Po Hyoung Koh	LT-0048	3772
34610	7590	08/02/2007	EXAMINER	
KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			ADEGEYE, OLUWASEUN	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/783,027	Applicant(s) KOH ET AL.	
	Examiner Oluwaseun A. Adegeye	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 02/23/2004.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1 - 34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1 - 34 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 02/23/2004 is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 23 and 27 - 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogikubo (US 2003/0063528 A1).

As to claim 1, Ogikubo discloses a method, comprising:

providing data stored on a recording medium (see [42]); and

using a resume mark for the data including last playback position (address)

information and mark type information associated with the resume mark, wherein the mark type includes each of first mark type (fig. 2 shows user A as being the most recent user) and a second mark type (fig. 2 has user B and C having the remaining resume marks) different from the first mark type (see [56]).

As to claim 16, Ogikubo discloses a resume mark managing method for data comprising:

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reading two or more resume marks each recorded with a last playback position of a corresponding data (see [56], [68] – [73]. Paragraph 56 discloses resume management information recorded on an optical disc with information of all the people that have played the disc. Paragraph 72 discloses two types of resume playback); and playing back the corresponding data recorded on a recording medium based on a selected one of the read resume marks (see [72] and [73]).

As to claim 22, Ogikubo discloses a resume mark managing method for AV data comprising:

identifying information about a current last playback position of data recorded on a recording medium where the playback is stopped (see [56], [62] and [63]. The identifying information is the stored address and the stored date and time);

recording last playback position information from a resume mark as a bookmark in bookmark information (see [56] and [72]. Paragraph 72 discloses playing back the optical disk using the resume information of the user last playing back the optical disk. This resume mark of the last user can be interpreted as a bookmark); and

updating the resume mark with the current last playback position information (see [63]).

As to claim 28, Ogikubo discloses a resume mark managing method for AV data comprising:

if playback of AV data recorded on a recording medium is stopped, identifying information about a last playback position where the playback is stopped (see [56] and [61] – [65]); and

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recording the identified last playback position information as a bookmark in bookmark information recorded on the recording medium (see [56], [69] and [72]. Paragraph 72 discloses playing back the optical disk using the resume information of the user last playing back the optical disk. This resume mark of the last user can be interpreted as a bookmark).

As to claim 2, Ogikubo discloses the method according to claim 1, wherein the first mark type is a most recent resume mark and the second mark type is remaining resume marks (see [56]. Fig. 2 shows resume management information. User A is the most recent user since it has the latest date and time whereas user A – C is the remaining resume marks).

As to claim 3, Ogikubo discloses the method according to claim 1, wherein the using the resume mark comprises identifying more than one resume mark for the data, wherein a single resume mark is the first mark type and the remaining resume marks are each the second mark type (see [56] and [72]).

As to claim 4, Ogikubo discloses the method according to claim 3, wherein the first mark type is a master mark type being a most recent resume mark and the second mark type is a general mark type including remaining resume marks having a prescribed order (see [56]. Ogikubo discloses in fig. 2 that the prescribed order is the date and time with the most recent user appearing on top of the list), and wherein the identifying comprises one of storing the resume mark (see [64] - [66]) and retrieving the resume mark (see [68]) .

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As to claim 5, Ogikubo discloses the method according to claim 4, wherein the resume marks are identified by numbers, and wherein a largest number is the master resume mark (see [56]). The dates and times are all numbers. From fig. 2, user A has the latest date which can be interpreted as the largest number).

As to claim 6, Ogikubo discloses the method according to claim 1, wherein the using comprises one of identifying (see [68]), storing (see [63]) and retrieving (see [68]) the resume mark.

As to claim 7, Ogikubo discloses the method according to claim 1, wherein the last playback position information is a presentation time stamp or address corresponding to a last playback position (see [56]).

As to claim 8, Ogikubo discloses the method according to claim 1, wherein the resume mark includes information for identifying a program (see [61]), playback of which has been stopped (see [62]), where the recording medium is recorded with a plurality of programs (see [67]).

As to claim 9, Ogikubo discloses the method according to claim 8, wherein the program identification information is an intrinsic program ID or a program name (see [61]).

As to claim 10, Ogikubo discloses the method according to claim 1, wherein the resume mark is stored in an apparatus for playing back A/V data recorded on the recording medium (see [35], [63] and [78]).

As to claim 11, Ogikubo discloses the method according to claim 10, wherein one resume mark is previously recorded in the playback apparatus including sorted mark

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type information based on an intrinsic ID of the recording medium and intrinsic IDs for each of the plurality of programs (see [61] – [63]), comprising:

updating the mark type information of the one resume mark to represent a general resume mark (see [63]); and

storing a current resume mark including the identified last playback position (see [56]. The resume information is the address) information and mark type information representing a master resume mark (see [63]).

As to claim 12, Ogikubo discloses the method according to claim 1, wherein the resume mark is recorded in a particular recording field of the recording medium (see [57] and [65]).

As to claim 13, Ogikubo discloses the method according to claim 12, wherein under a condition in which there is a one resume mark previously recorded in the particular recording field of the recording medium includes the mark type information representing a master resume mark (see [61] – [63]), comprising:

updating the mark type information of the one resume mark to represent a general resume mark (see [63]); and

storing a current resume mark including the identified last playback position information and mark type information representing a master resume mark (see [56]. and [63]).

As to claim 14, Ogikubo discloses the method according to claim 12, wherein when a plurality of programs are recorded on the recording medium, the resume mark includes control information of one of an associated one of the programs and control

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information of the recording medium that includes information for identifying the associated program (paragraph 56 discloses storing an address which is information identifying a program).

As to claim 15, Ogikubo discloses the method according to claim 1, wherein the recording medium is recorded with a plurality of selectable programs (see [67]), comprising:

selecting one of the programs for playback (see [68] and [71] - [72]);

identifying a resume mark having an program id corresponding to the selected program (see [68]); and

playing back the selected program from the identified resume mark (see [69] - [73]).

As to claim 17, Ogikubo discloses the resume mark managing method according to claim 16, wherein the resume marks are stored in at least one of an apparatus for playing back data recorded on the recording medium (see [35] and [63]) and a prescribed recording field of the recording medium (see [57] and [65]).

As to claim 18, Ogikubo discloses the resume mark managing method according to claim 17, comprising:

receiving a request for a resumed playback operation (see [68]);

displaying the resume marks using a selection image allowing a user to select desired information from the displayed resume marks (see [71] and [72]); and

playing back the data recorded on the recording medium in accordance with the selection by the user (see [73]).



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As to claim 19, Ogikubo discloses the resume mark managing method according to claim 17, comprising:

receiving a request for a resumed playback operation starting from a last playback position where the playback of A/V data has most recently been stopped (see [68]. Paragraph 62 and 63 disclose storing information when a user enters a playback stop command. Paragraph 39 and 78 discloses A/V data.);

searching the read resume marks for information associated with the recording medium to determine whether there is information associated with the recording medium (see [68] and [69]);

selecting from the determined associated information, a last playback position corresponding to mark type information representing a master resume mark (see [71] and [72]); and

playing back the A/V data from the selected last playback position (see [73]).

As to claim 20, Ogikubo discloses the resume mark managing method according to claim 19, wherein the A/V data is played back from a first position when no information exists for the resume marks (see [69] and [71]).

As to claim 21, grounds for rejecting claim 15 apply to claim 21 in its entirety.

As to claim 23, Ogikubo discloses the method according to claim 22, wherein the last playback position information recorded in the bookmark information as the bookmark has an identifier for distinguishing the bookmark from general bookmarks (see [56] and [69]. The address with the most recent date and time is an identifier for distinguishing the bookmark from general bookmarks).

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As to claim 27, grounds for rejecting claim 15 apply to claim 27 in its entirety.

As to claim 29, Ogikubo discloses the method according to claim 28, wherein the last playback position information additionally recorded in the bookmark information as the bookmark has a identifier for distinguishing the bookmark from bookmarks that do not represent resume marks (see [56] and [69]. The address with the most recent date and time is an identifier for distinguishing the bookmark from other bookmarks).

As to claim 30, Ogikubo discloses the method according to claim 28, comprising:  
reading resume mark bookmarks from bookmark information recorded on the recording medium (see [68] – 72); and

playing back A/V data recorded on the recording medium, based on the read resume mark bookmarks (see [73]).

As to claim 31, Ogikubo discloses the resume mark managing method according to claim 30, comprising:

receiving a request for a resumed playback operation (see [68]);

determining whether there are resume mark bookmarks (see [68] – [70]);

displaying the read particular bookmarks in the form of a selection menu allowing a user to select a desired resume mark bookmark from the displayed resume mark bookmarks (see [71] and [72]); and

playing back the data recorded on the recording medium in accordance with the selection by the user (see [73]).

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As to claim 32, Ogikubo discloses the resume mark managing method according to claim 31, displaying information representing that there is no last playback information when there are none of said resume mark bookmarks (see [71]).

As to claim 33, Ogikubo discloses the method according to claim 28, wherein the bookmark information is stored in at least one of an apparatus for playing back the A/V data (see [63] and [78]) recorded on the recording medium and a prescribed recording field of the recording medium (see [57] and [65]).

As to claim 34, Ogikubo discloses the method according to claim 28, wherein the recording medium is recorded with a plurality of selectable programs (see [67]), and wherein a plurality of resume mark bookmarks are stored each with an associated program id (see [56]. The associated id can be the stored address or the stored date and time), comprising:

selecting one of the programs for playback (see [68] and [71] - [72]);

identifying a resume mark bookmark having an program id corresponding to the selected program (see [68]); and

playing back the selected program from the identified resume mark bookmark (see [69] – [73]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogikubo in view of Thiagarajan et al (US 2003/0221194 A1).

As to claim 24, Ogikubo discloses the method of claim 23, but does not disclose wherein the identifier is one of a flag bit and a prescribed position in the bookmark information.

Thiagarajan discloses wherein the identifier is one of a flag bit and a prescribed position in the bookmark information (see [51]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used flag bits as an identifier for bookmarks as taught by Thiagarajan to the apparatus of Ogikubo to fast advance a display of on-demand content while recording the on-demand content at a viewable playback speed (see [001]).

As claim 25, Ogikubo discloses the method of claim 23 but does not disclose reading particular bookmarks from the bookmark information recorded on the recording medium; and playing back data recorded on the recording medium based on the read particular bookmarks.

Thiagarajan discloses reading particular bookmarks from the bookmark information recorded on the recording medium (see [52]); and

Thiagarajan discloses playing back data recorded on the recording medium based on the read particular bookmarks (see [52]).

As to claim 26, Ogikubo discloses the method according to claim 25, comprising:

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receiving a request for a resumed playback operation (see [68]) ;  
displaying resume marks using a selection image allowing a user to select  
desired information from the displayed resume mark and the displayed particular  
bookmarks (see [67], [71] and [72]) ; and  
playing back the data recorded on the recording medium in accordance with the  
selection by the user (see [73]).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to  
applicant's disclosure.

US 2002/0135608 discloses using bookmarks and resume points.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Oluwaseun A. Adegeye whose telephone number is  
571-270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00  
EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the  
organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/24/2007

O.A

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